



2025:DHC:2727



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 07th February, 2025

Date of Decision: 17th April, 2025

+ **W.P.(CRL) 3931/2024**

SATYA PRAKASH RAVIDAS

.....Petitioner

Through: Petitioner-in-person.
versus

THE SECRETARY BAR COUNCIL OF DELHI.....Respondent

Through: Mr. T. Singhdev, Mr. Tanishq
Srivastava and Mr. Abhijit
Chakravarty, Advs. for R-1.

+ **W.P.(CRL) 3524/2024**

SATYA PRAKASH RAVIDAS

.....Petitioner

Through: Petitioner-in-person.

versus

THE CHAIRMAN NATIONAL COMMISSION FOR SC ST

.....Respondent

Through: Mr. T. P. Singh, SCGC for NCSC.
(M:9971529687).

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

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J U D G M E N T

MANMEET PRITAM SINGH ARORA, J:

W.P.(CRL) 3931/2024



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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking directions to Bar Council of Delhi ('BCD') (i) to take action under Section 35 of the Advocates Act, 1961 against Ms. Karnika Seth ('Advocate KS'), for her alleged misconduct towards the client i.e., Raj Vidya Kender ('RVK') a registered Society and for not maintaining professional standards; (ii) to restrain Advocate KS above from further negligence and dereliction of duty towards the Petitioner herein, who belongs to the Schedule Caste Community; (iii) the Petitioner seeks a direction from this Court to reject the civil suit bearing [CS (OS) No. 470/2019] titled as 'Raj Vidya Kender (RVK) & Anr. vs. Satya Prakash Ravidas & Ors.' with exemplary cost to compensate the Petitioner; and (iv) lastly, to take suo moto cognizance to investigate potential violation of various regulations or laws.

2. The amended memo of parties dated 28.12.2024 records that BCD is the sole Respondent in this petition. Initially, Registrar General, Delhi High Court was impleaded as Respondent No. 1; the said Respondent was however, deleted at the request of the Petitioner from the array of party on 17.12.2024.

Submissions on behalf of the Petitioner

3. The Petitioner who appears in person contends that institution of the civil suit i.e., CS (OS) 470/2019 by Advocate KS is based on incorrect and misleading facts.

3.1. He states that Advocate KS on 09.10.2019 informed the coordinate bench of this Court in CS(OS) 470/2019 that there was a duly convened meeting of the Society RVK held on 27.09.2019 wherein a resolution was



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passed authorizing the plaintiffs (in the suit) to institute the suit, whereas the Petitioner herein contents that no such alleged meeting was held by a proper elected governing body. In this regard, he relies upon the RTI reply dated 20.11.2023 issued by the concerned Registrar of Society RVK filed in W.P (CRL) 3524/2024.

3.2. He states that the individuals Dr. Suresh Chand Gupta and Mr. Deepak Raj Bhandari who have allegedly executed the *vakalatnama* in favor of the Advocate KS were not authorized to institute the civil suit against the Petitioner and this fact was known to the said Advocate, therefore, in these facts, BCD ought to initiate an inquiry into the conduct of Advocate KS.

3.3. He states that no meeting of the Society RVK was held between 11.09.2019 and 09.10.2019. He states that, however, Advocate KS misled the Court hearing CS(OS) 470/2019 during the proceeding held on 09.10.2019. He states that the said statements were made by Advocate KS to benefit plaintiff no. 2 so that he could have unlawful control over plaintiff no.1 i.e. Society RVK in CS(OS) 470/2019.

3.4. He states that Sh. Vijender Singh, Dr. Suresh Chand Gupta and Mr. Arun Singh were not authorized to appoint Advocate KS to represent the Society RVK.

3.5. He states that Advocate KS mislead the Coordinate Bench to pass an order in CS(OS) 470/2019, which have led to imposition of cost of Rs. 75,000/- on the Petitioner herein. He states that the imposition of the said cost has caused an injury to the Petitioner, who belongs to the Schedule Caste Community. He states this is punishable under provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and this is a subject matter of W.P. (Crl.) 3524/2024.



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3.6. He states that the Advocate KS has acted with malice and discrimination by filing a civil suit against the Petitioner, who belongs to the Schedule Caste Community.

3.7. He relies upon a written note dated 14.01.2025.

Submissions on behalf of the Respondent-BCD

4. Mr. T. Singhdev, learned Advocate representing BCD has filed written submissions dated 10.02.2025 and argued on the same lines.

4.1. He relies upon the proceedings held before the BCD whereby the Petitioner had preferred a complaint bearing no. 285/2023 dated 02.11.2023 against Advocate KS. He states that in the proceedings held before the BCD, the Petitioner had raised similar averments as raised in the present petition and sought cancellation of the enrolment of the registration granted to the advocate in question, as she had filed a suit on the instruction of her client Society RVK, against the Petitioner.

4.2. He stated that the Petitioner has suppressed the material fact that the full house of BCD took up the complaint dated 02.11.2023 for consideration after hearing the submissions/deposition of the Petitioner, and rejected the same vide order dated 31.05.2024. The statutory remedy available to the Petitioner against the said rejection order dated 31.05.2024 is to file an appeal under Section 37 of the Advocates Act, 1961 ('Act of 1961').

4.3. He further relies upon the order sheets of CS (OS) 470/2019 and Special leave Petition [SLP (C) No. 30100/2024] filed before the Supreme Court to contend that the orders passed by the Coordinate Bench in the civil suit and the order dated 13.12.2024 passed by the Supreme Court establish that the Petitioner has been trying to obtain similar reliefs through a barrage of applications/cases filed by him i.e. to initiate action against the



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advocate in question.

4.4. He states that all advocates function on the instructions of their clients and in case the instructions/authorization are found to be incorrect or not legally tenable; in such an event the case instituted by the client in question is liable to be dismissed by the concerned civil court itself wherein the suit has been instituted. And at the same time during the hearing on the aforesaid issue, the Petitioner i.e. (defendant in the suit in question) as well has the right to raise such objections with respect to the suit not being appropriately instituted before the civil court.

Findings and Analysis

5. This Court has heard the parties and perused the record.

6. The Petitioner contends to be member of a registered society i.e., Raj Vidya Kender ('RVK') vide Registration No. S/8845/1977 and it appears that he had proposed to contest for the post of President in this Society, in 2019.

7. A civil suit i.e., CS (OS) 470/2019 was filed by Society RVK, as plaintiff no. 1, through its authorized representative namely Dr. Suresh Chand Gupta [who represents himself as the president of Society RVK] and one Deepak Raj Bhandari, as plaintiff no. 2 [who represents himself as senior volunteer of the Society RVK] against the Petitioner herein (who was impleaded as defendant no. 1 in the said suit) seeking the relief to restrain the Petitioner from defaming the said two (2) plaintiffs and a decree for damages with regards to the defamation committed by defendant no. 1 i.e. Petitioner herein. The plaintiffs had engaged Advocate KS for filing of the civil suit. The said suit has been registered on 07.09.2019 and summons were issued to the Petitioner. In addition, the Civil Court has vide order dated 19.07.2023 issued an ad-interim restraint against the Petitioner herein from posting defamatory



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remarks against the plaintiffs therein.

8. The Petitioner contends that Dr. Suresh Chand Gupta was not authorized to institute the suit on behalf of the Society RVK and this fact was known to Advocate KS and she has, therefore, allegedly misled the Civil Court to issue summons. It is stated that Advocate KS incorrectly stated on 09.10.2019 to the Civil Court that there was a duly convened meeting of the Society RVK held on 27.09.2019, wherein a resolution was passed authorizing the plaintiff no.1 to institute the civil suit; however, till date no such resolution has been passed and neither any meeting has been held by a proper elected governing body of Society RVK. The Petitioner relies upon the RTI reply dated 20.11.2023 issued by the concerned Registrar of Societies to contend that no meeting of the Society RVK was held on 27.09.2019.

9. On these pleas, Petitioner contends that he has acquired a cause of action to initiate the present Criminal Writ Petition as well as file various applications before the Coordinate Bench hearing the civil suit to take legal action against the Advocate KS and reject the plaint in CS(OS) 470/2019.

10. The Petitioner has placed reliance on the orders dated 11.09.2019 and 09.10.2019 passed in CS(OS) 470/2019.

11. The Petitioner has stated that on account of the alleged misconduct and wrongful institution of the suit against the Petitioner who belongs to the Schedule Caste Community, the Petitioner has filed a complaint dated 02.11.2023 against Advocate KS before the BCD.

12. The issue with respect to authorization of Dr. Suresh Chand Gupta to institute the suit on behalf of plaintiff no. 1 i.e., Society RVK falls within the exclusive jurisdiction of the Civil Court where the suit [CS(OS) 470/2019] is pending. The issue of the absence of the authorization of plaintiff no. 1 can be



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raised by defendant no.1 (i.e., the Petitioner herein) in his written statement. It appears, however, that the Petitioner herein has failed to file his written statement within time permissible in law and his right to file the written statement has been closed vide order dated 23.03.2023.

13. Pertinently, the Petitioner filed an application¹ in the civil suit seeking cancellation of the enrolment of Advocate KS from BCD. The said application was dismissed by the Civil Court (Ld. Single Judge) vide order dated 08.02.2024. The Petitioner filed a second application² in the civil suit seeking directions to restrain Advocate KS from appearing on behalf of Society RVK. This application was dismissed by the Ld. Single Judge vide order dated 05.03.2024 after imposing costs of Rs. 25,000/-. The Petitioner filed a third application³ agitating the issue of the authorization of Advocate KS to represent plaintiff no. 1 Society RVK and the authorization of the individuals who had signed on its behalf. This application was also dismissed by the Ld. Single Judge vide order dated 06.05.2024 by imposing further costs of Rs. 50,000/-.

14. The Ld. Single Judge's orders dated 05.03.2024 and 06.05.2024 were impugned by the Petitioner herein before the Division Bench in FAO (OS) 73/2024. The appeal was dismissed by the Division Bench vide order dated 20.05.2024 after observing that it concurred with the learned Single Judge that the issues raised in the third application were questions of facts and not law. The Division Bench also observed that the Petitioner herein had used intemperate and defamatory language against the lady Advocate (Advocate KS) in the appeal and therefore, expunged the said paras.

¹ I.A. No. 3112/2024 in CS (OS) No. 470/2019

² I.A. No. 5226/2024 in CS (OS) No. 470/2019

³ I.A. No. 10058/2024 in CS (OS) No. 470/2019



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15. The SLP filed by the Petitioner impugning the Division Bench's order dated 20.05.2024 also stands dismissed on 13.12.2024. However, admittedly the Petitioner has till date not deposited the costs of Rs. 25,000/- and Rs. 50,000/- imposed by the Ld. Single Judge.

Issue 1: Prayer (c) seeking rejection of civil suit i.e., CS(OS) 470/2019

16. This prayer is without any merits. This Court in exercise of its jurisdiction under Article 226 of the Constitution of India read with Section 528 of BNSS does not exercise any supervisory and/or appellate jurisdiction on the Coordinate Bench of this Court, which is exercising its ordinary original civil jurisdiction. The jurisdiction to reject the plaint vests with the Coordinate Bench which is considering the said suit, and the Division Bench exercising appellate jurisdiction over it. The said relief is, therefore, not maintainable in the present petition and is accordingly dismissed.

17. In this regard, this Court would also like to observe that the issue whether Sh. Vijender Singh, Dr. Suresh Chand Gupta and Mr. Arun Singh were authorized to engage Advocate KS to institute the suit for and on behalf of plaintiff no. 1 Society RVK is an issue directly arising for consideration in CS(OS) 470/2019. The plaintiff no. 1 therein would have to satisfy the said Court with respect to the said authorization. During this process, the issue of whether a meeting was held on 27.09.2019 or not, would be determined by the Civil Court after perusing the record maintained by the plaintiff no. 1, Society RVK.

Issue 2: Prayer (a) seeking a direction to BCD to take legal action against Advocate KS and prayer (b) seeking direction to BCD from restraining to neglect its duty towards the Petitioner

18. The Petitioner in prayer clause (a) seeks a direction to BCD to take action against the Advocate KS under Section 35 of the Act of 1961. Prayer



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clause (b) seeks a direction to BCD from restraining to neglect its duty towards the Petitioner.

19. The appropriate authority which can take any legal action against an advocate is BCD, which the Petitioner invoked by submitting the complaint dated 02.11.2023. In fact, Supreme Court in **Supreme Court Bar Association v. Union of India**⁴ has categorically held that power to punish an advocate for proven professional misconduct vests exclusively in the statutory authority created under Act of 1961, i.e., State Bar Council.

20. Respondent No. 2 i.e., BCD has placed on record the order dated 31.05.2024 by which the Petitioner's complaint dated 02.11.2023 has been dismissed by the Full House of Bar Council of Delhi after hearing the Petitioner. In view of the order dated 31.05.2024, the reliefs sought against Respondent No. 2 was not maintainable even on the date when the present writ petition was filed. The Petitioner has not explained to this Court its omission in disclosing the order dated 31.05.2024.

21. In support of these prayers, Petitioner has also referred to Section 6 of the Delhi High Court Act, 1966 and has sought initiation of proceedings against Advocate KS.

22. In this regard, this Court would also like to take note of the orders dated 08.02.2024, 05.03.2024 and 06.05.2024 passed by the Ld. Single Judge in CS(OS) No. 470/2019 dismissing applications seeking initiation of legal proceedings against Advocate KS. The said orders were challenged before the Division Bench and the appeal was dismissed vide order dated 20.05.2024. The SLP filed against the order of the Division Bench has also been dismissed on 13.12.2024. These material orders have also been suppressed by the

⁴ 1998 4 SCC 409 at para 35



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Petitioner.

23. In view of the above, this Court finds no merits in the petition and finds the Petitioner guilty of suppressing material facts. For this suppression, the Petitioner is directed to pay cost of Rs. 25,000/- to Harijan Sevak Sangh, Harijan Niwas, Gandhi Ashram Kingsway Camp, New Delhi-110009.

Non-joinder of necessary party

24. This petition seeks relief against Advocate KS, however, she has not been made a party. This petition in the absence of Advocate KS could not have been maintained. However, this Court has even otherwise not found any merit in the relief sought and has dismissed the petition on merits.

25. Accordingly, the petition stands dismissed along with pending applications.

26. The proof of payment of cost shall be filed within two (2) weeks.

27. Keeping in view the propensity of the Petitioner to suppress orders passed by Coordinate Benches, a copy of this order be sent to Advocate KS and the Coordinate Bench in CS(OS) No. 470/2019 so that it forms part of the record.

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28. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India read with Section 528 of the BNSS seeking a direction to Respondent No. 1 i.e., National Commission for Scheduled Castes ('NCSC') to take action against the accused persons mentioned in the complaint dated 27.05.2024 under Section 3(x), 3(p), 3(q) & 3(l) (A, B & C) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the 'Act of 1989'). The Petitioner also seeks a direction to set aside the order passed by NCSC on 07.06.2024 ('impugned decision') whereby the



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said complaint of the Petitioner was rejected.

29. The Petitioner contends that he is a devotee of Mr. Prem Rawat and a member of Raj Vidya Kender ('RVK') in New Delhi. He claims to be a member of a Scheduled Caste and seeks to invoke provisions of the Act of 1989 before the NCSC regarding discrimination faced as a Scheduled Caste member.

30. The complaint dated 27.05.2024 filed before the NCSC was rejected vide impugned decision dated 07.06.2024 on the ground that issues raised in the complaint are sub judice in CS(OS) 470/2019 before the Ld. Single Judge of this Court.

31. The Petitioner contends that the NCSC is responsible for preventing discrimination against Scheduled Castes and allegedly failed to address the Petitioner's complaints about false information provided inter alia by Advocate KS to the Delhi High Court in the Order dated 09.10.2019 in C.S. (OS) 470/2019, by individuals not belonging to Scheduled Castes, resulting in legal harm to the Petitioner.

31.1 The Petitioner has also contended that he proposes to contest for the post of the President of the Society RVK but does not have faith in the present management that they will conduct a fair election.

32. In response, learned counsel for Respondent No. 1 has relied upon the e-mail dated 07.06.2024 communicating the rejection and the reply dated 08.01.2025 filed in this petition.

32.1 He submits that the complaint filed by the Petitioner was not considered by NCSC, as the matter is sub-judice in CS(OS) 470/2019 and as per the Notification G.S.R. 414(E)- Rules of Procedure of the National Commission for Scheduled Castes dated 25.03.2009, Rule 7.4.1(f), cases



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pending in Courts or cases in which a Court has already given its final verdict shall not be taken up afresh by the NCSC.

33. This Court has heard the parties and perused the record.

34. As dealt hereinabove Petitioner had filed another writ petition i.e., W.P. (CRL) 3931/2024 wherein on identical facts, the relief was sought against Ms. Karnika Seth, Advocate for a reference to Bar Council of Delhi which has been dismissed.

35. The Petitioner has raised allegations regarding the conduct of certain individuals and the management of the Society RVK, which are yet to be proved at trial, even assuming the same to be correct, the merit of the allegation does not convincingly establish that the actions amounted to atrocities as defined under the SC/ST Act. Allegations of misconduct do not, in themselves, constitute violations under the criminal provisions of the SC/ST Act merely on the fact that the complainant is a member of a Scheduled Caste, unless there is an intention to humiliate such a member for the reason that he belongs to such community (Re: **Hitesh Verma v. State of Uttarakhand**⁵). The Petitioner herein has not substantiated his claims of atrocities to warrant judicial intervention.

36. This Court finds no error in the impugned decision dated 07.06.2024 communicated by the Respondent/NCSC to the Petitioner. The issues raised by the Petitioner vis-à-vis management of the Society RVK and the valid institution of the suit are sub-judice in CS(OS) 470/2019 and the Ld. Single Judge is competent to decide the said issues. In fact, since the allegations

⁵(2020) 10 SCC 710 at para 18 which reads as under:

“18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste....”



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raised by the Petitioner directly relate to the maintainability of the civil suit, the adjudication of the said allegations falls within the exclusive jurisdiction of the Ld. Single Judge hearing the said suit.

37. The Petitioner's claims do not provide sufficient grounds for the Court to intervene in the impugned decision of the NCSC, particularly when the said decision aligns with established rules of procedure.

38. This Court has also perused the complaint dated 27.05.2024 filed by the Petitioner before NCSC. The said complaint is unintelligible. It substantially refers to the proceedings of CS(OS) 470/2019 pending before the Coordinate Bench of this Court and orders passed by Ld. Single Judge imposing cost on Petitioner; refers to Petitioner's desire to contest for the post of President in the year 2019; refers to inspection of the records of the Registrar of Society RVK; and the Petitioner's opinion that the Society RVK has become defunct. In fact, having perused the pleadings of this writ petition and W.P. (Crl) 3931/2024; it is apparent that the Petitioner herein is aggrieved by the orders of Ld. Single Judge in CS(OS) 470/2019 imposing cost totalling of Rs. 75,000/- and these petitions have been filed to negate the said orders. These writ petitions are, thus, an abuse of legal process.

39. In light of the above, this Court is of the considered view that the petition lacks merit. The rejection of the complaint by the NCSC vide impugned decision dated 07.06.2024 is upheld as being in accordance with the law.

MANMEET PRITAM SINGH ARORA, J

April 17, 2025/msh/MS/AM